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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,086	09/26/2000	Yuji Sawada	55168(55)	4078
21874	7590	06/27/2005	EXAMINER	
EDWARDS & ANGELL, LLP			FADOK, MARK A	
P.O. BOX 55874			ART UNIT	
BOSTON, MA 02205			PAPER NUMBER	
			3625	

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/647,086

**Applicant(s)**

SAWADA ET AL.

**Examiner**

Mark Fadok

**Art Unit**

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 20-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/8/05, 4/20/05.
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

The examiner is in receipt of applicant's response to office action mailed 11/10/2004, which was received 4/11/2005. Acknowledgement is made to the amendment to claims 20 and 25 which, overcomes the USC 112 rejection, the withdrawal of claims 1-19 and 29-30, leaving claims 20-28 as pending in the instant application. The applicant's remarks have been carefully considered, but were not persuasive in overcoming the rejection on the merits, therefore the previous rejection is restated below:

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

**A person shall be entitled to a patent unless**

**(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.**

**Claims 20-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Wiser U.S. Patent Number 6,385,596.**

**Referring to claim 20.** Wiser discloses a data reproducing apparatus reproducing digital data including reproducing apparatus specifying information specifying an apparatus capable of reproduction, comprising:

A storage apparatus (Wiser: "Music Distribution Center 124") storing reproduction apparatus ID information unique to said reproducing apparatus (Wiser: column 8, lines 1-42 and Figure 3);

A first determining apparatus determining whether said reproducing apparatus is capable of reproducing said digital data from said reproduction apparatus ID information and said reproducing apparatus specifying information (Wiser: column 8, lines 43-56, "Passport");

A control apparatus enabling or disabling reproduction of digital data by said reproducing apparatus dependent on the result of determination by said first determining apparatus (Wiser: column 8, line 43 to column 9, line 37) and

A CPU controlling each of said storage apparatus said first determining apparatus and said control apparatus (Wiser: Figure 1).

The Examiner notes, the passport as disclosed by Wiser is a data object that provides the security information particular to each user of the system. Each user is issued a passport by the media licensing center during the registration process. The passport is stored on the user's computer and used during playback to decrypt the media key for each media data file purchased by the user. Whereas encrypting the media key of a purchased media data file with the public key of a user's media player binds the media data file to a specific user, the user's passport in turn enables (i.e. control apparatus) the user to decrypt the file and play it back on her media player.

**Referring to claim 21.** Wiser further discloses a data reproducing apparatus

wherein:

Said digital data includes display data reproduced visually (Wiser: abstract); and

Said reproducing apparatus comprising a display apparatus for visually reproducing and displaying said digital data (Wiser: abstract).

**Referring to claim 22.** Wiser further discloses a data reproducing apparatus further comprising an ID information input apparatus responsive to determination by said first determining apparatus that said reproducing apparatus is not a reproducing apparatus capable of reproducing said digital data, urging a user to enter a reproducing apparatus ID information (Wiser: column 9, lines 25-37, "The user is required to enter his/her pass phrase upon playback in order to decrypt the registration key 420.")

**Referring to claim 23.** Wiser further discloses a data reproducing apparatus comprising:

A second determining apparatus determining whether the data reproducing apparatus specified by the reproducing apparatus ID information input by said ID information input apparatus is a reproducing apparatus capable of reproducing said digital data; wherein said control apparatus enables or disables reproduction of digital data by said reproducing apparatus dependent on the result of determination by said second determining apparatus (Wiser: column 18, lines 544).

**Referring to claim 24.** Wiser further discloses a data reproducing apparatus comprising:

An update selecting apparatus responsive to the determination by said second determining apparatus that the data reproducing apparatus specified by the reproducing apparatus ID information input by said ID information input apparatus is a reproduction apparatus capable of reproducing said digital data, allowing the user to select whether said reproducing apparatus specifying information is to be updated by said input reproducing apparatus ID information (Wiser: column 17, lines 35-52); and

An updating apparatus responsive to the selection, by said update selecting apparatus that said reproducing apparatus specifying information is to be

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updated by said reproducing apparatus specifying information by said input reproducing apparatus ID information (Wiser: column 17; lines 35-52).

**Referring to claims 25-26.** Claims 25-26 are rejected under the same rationale as set forth above in claims 20-24.

**Referring to claim 27.** Wiser further discloses a data reproducing apparatus wherein said reproducing apparatus specifying information is recorded when reproduction is first performed by the data reproducing apparatus (Wiser: Figure 3).

**Referring to claim 28** Wiser further discloses a data reproducing apparatus wherein said reproducing apparatus specifying information is recorded when the digital data is sold (Wiser: Figure 3).

### ***Response to Arguments***

Applicant's arguments filed 4/11/2005 have been fully considered but they are not persuasive.

Applicant argues that Wiser does not teach "a CPU controlling each of said storage apparatus said first determining apparatus and said controlling apparatus". The examiner disagrees and notes that the examiner has examined the claims in light of the broadest reasonable interpretation of these claims. Therefore, the CPU, which controls the media experience through the web browser, does in fact control the access of the "music distribution center" subsequently controlling to some degree its function.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(571) 272-6755**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(571) 272-7159**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **receptionist** whose telephone number is **(571) 272-3600**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

***Alexandria, Va. 22313-1450***

or faxed to:

**(703) 872-9306** [Official communications; including



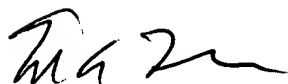
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After Final communications labeled

"Box AF"]

**(571) 273-6755** [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

A handwritten signature in black ink, appearing to read 'Mark Fadok'.

Mark Fadok

Primary Examiner